

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

ZEENATH ABPLANALP,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 3:15cv203
)	
UNITED COLLECTION BUREAU, INC.,)	
)	
Defendant.)	

NOTICE OF REMOVAL OF CIVIL ACTION

Pursuant to 28 U.S.C. §§ 1331, 1441(a) and 1446(b), Defendant United Collection Bureau, Inc. (“Defendant”), by counsel, hereby removes this action from the General Court of Justice, Superior Court Division, for Mecklenburg County, North Carolina, to the United States District Court for the Western District of North Carolina, Charlotte Division, and in support thereof states as follows:

STATEMENT OF GROUNDS FOR REMOVAL

1. On or about March 30, 2015, Plaintiff Zeenath Abplanlp (“Plaintiff”) filed a complaint (the “Complaint”) against Defendant in a civil action in the General Court of Justice, Superior Court Division for Mecklenburg County, North Carolina, Case No. 15-CVS-6151.

2. Plaintiffs alleged claims arise out of Defendant’s attempt to collect on a credit account. In her Complaint, Plaintiff asserts three causes of action purporting to arise under (1) N.C. Gen. Stat. § 58-70-90, *et seq.*, (2) the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*, and (3) the Telephone Consumer Protection Act (“TCPA”) 47 U.S.C. § 227, *et seq.*

3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, which states that federal question jurisdiction is appropriately exercised over “all civil actions arising under the Constitution, laws, or treaties of the United States.”

4. Removal of this case is proper under 28 U.S.C. § 1441(a), which provides, in pertinent part, that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

5. Defendant denies the allegations set forth in the Complaint; denies that Plaintiff has stated a claim for which relief may be granted; and denies that Plaintiff has been damaged in any manner. Nevertheless, assuming for jurisdictional purposes only that Plaintiff’s claims are valid, the Complaint originally could have been filed in this Court pursuant to 28 U.S.C. §§ 1331 and 1441(a).

6. Federal question jurisdiction exists over this action because the claim asserted by Plaintiff in the Complaint involves questions that will require resolution of significant, disputed issues arising under federal law. This case qualifies for federal question jurisdiction and is removable because Plaintiff’s Complaint alleges claims under, and requires a ruling on, the FDCPA and TCPA.

7. Plaintiff’s claims purporting to arise under North Carolina state law are so related to Plaintiff’s federal claims, which is within the original jurisdiction of this Court, that they form part of the same case or controversy. Accordingly, the Court has supplemental jurisdiction over these claims pursuant to 28 U.S.C. § 1441(c) and 28 U.S.C. § 1367(a).

8. Defendant was served with the Complaint on April 6, 2015. Accordingly, this Notice of Removal is timely under 28 U.S.C. § 1446(b).

9. As of the date of this removal, Defendant has not filed a responsive pleading to the Complaint. Defendant reserves all rights to assert any and all defenses to the Complaint and further reserves the right to amend or supplement this Notice of Removal.

10. Venue is appropriate in this Court pursuant to 28 U.S.C. §§ 1391 and 1441. The General Court of Justice, Superior Court Division, for Mecklenburg County, North Carolina is located within this District.

11. Pursuant to 28 U.S.C. § 1446(a), a copy of the complete file from the General Court of Justice, Superior Court Division, for Mecklenburg County, North Carolina is attached hereto as **Exhibit A**.

12. Pursuant to 28 U.S.C. §1446(d), a copy of Defendant's Notice of Filing of Notice of Removal is being filed contemporaneously with the Clerk of the General Court of Justice, Superior Court Division, for Mecklenburg County, North Carolina, and attached hereto as **Exhibit B** (without this Notice which is attached thereto as Exhibit 1).

13. This Notice of Removal is being served on all adverse parties as required by 28 U.S.C. §1446(d).

WHEREFORE, Defendant, United Collection Bureau, Inc., respectfully requests the above-captioned action brought in the General Court of Justice, Superior Court Division for Mecklenburg County, North Carolina be removed to the United States District Court for the Western District of North Carolina, Charlotte Division, and that said U.S. District Court assume jurisdiction of this action and enter such other and further orders as may be necessary to accomplish the requested removal and promote the ends of justice.

This the 5th day of May, 2015.

TROUTMAN SANDERS LLP

By: /s/ D. Kyle Deak

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N.C. Bar No. 35799

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CERTIFICATE OF SERVICE

I hereby certify that on May 5, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and that notices would be delivered electronically and/or by first-class mail, postage pre-paid to counsel for the parties.

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